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EXAMINER

POPHAM, JEFFREY D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/816,540	Applicant(s) NAKASHIMA ET AL.	
	Examiner JEFFREY D. POPHAM	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080711</u> . | 6) <input type="checkbox"/> Other: _____ |

Remarks

Claims 1-4, 16, and 18-24 are pending.

Response to Arguments

1. Applicant's arguments filed 6/9/2008 have been fully considered but they are not persuasive.

Applicant argues that data transmitted by the data acquisition device of Strub is privately transmitted to only the recorder, and that Strub does not teach wirelessly and publicly transmitting data. First, what, precisely, "wirelessly and publicly" transmitting data comprises. Looking to the portion referred to in the remarks regarding such amendment, one can see, as examples, a data output device may explain exhibits or merchandise, and be equipped at a plurality of locations in a museum or department store. The next paragraph reads "Further, an information transmission device installed in a public space or inside a carriage can be used as the data output device." This appears to be the only disclosure of public as it may relate to wireless communication. It is unclear from this section what exactly "wirelessly and publicly" transmitting data means. Any wireless communication means between devices appears to be a wireless and public transmission or communication means, since the data will go through the air, which is public space, not owned by anyone. While the data of Strub may not be related to merchandise or exhibits, this is not a claim limitation. In Strub, data is wirelessly transmitted from the data acquisition device. Since the data goes through public space (the air), it is clearly publicly transmitted as well. Furthermore, there are

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embodiments of Strub where the devices are not all situated on the recorder, and may be spaced apart from each other. Column 64, line 57 through column 65, line 58 of Strub describe such embodiments. Column 65, lines 35-39 states that "there may be many other circumstances in which it is desirable to be able to move the visual or audio data acquisition device to a position that is relatively distant from the part of the recording unit with which the visual or audio data acquisition device communicates", explicitly showing that the data output device (acquisition device) is distant from another device with which it communicates. One may argue that, since the data is for a particular person, that the data constitutes private data. However, this argument would be flawed since the communication medium is what is now described in the claims as being public, not the data itself. Indeed, in the present invention, a pen scanner may be used to send data scanned by a person to devices owned by the person for that person's use. The communication medium itself (the air) is what is wireless and public. However, if the above argument had any basis, Strub still teaches beyond such, in that one person may have the data acquisition device while another person has the device(s) with which the data acquisition device communicates. This is seen in column 65, as cited above, in regard to the devices being relatively distant. Therefore, not even the data is private to the recorder in this situation, since the data is clearly transmitted wirelessly and publicly over the air to a device in the hands of another person.

Applicant argues that neither Treyz nor Kolls discloses allowing a user of a portable terminal to check whether or not data is worth storing. This has been argued before and responded to, however, a brief supplemental argument is provided herein.

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Kolls, Column 41, lines 5-6, for example recite "In block 906 a user can select to download and store the data locally in the in-vehicle device 200." This clearly and explicitly shows a user determining whether data is worth storing. This is merely one example of such disclosure within Kolls of a user checking whether or not data is worth storing, and other portions of Kolls and Treyz implicitly and explicitly disclose such, as described in previous responses.

Claim Rejections - 35 USC § 112

2. Claims 1-4, 16, and 18-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As discussed above, the specification does not provide information regarding what "publicly" transmitting data would comprise. There is no distinction between wirelessly and privately transmitting data compared to wirelessly and publicly transmitting data. Additionally, as described above, it seems as though any transmission over a wireless transmission medium would comprise "wirelessly and publicly" transmitting data, since the data is transmitted over the air, which is not owned by any person, but rather, is public.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 16, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Strub (U.S. Patent 6,825,875).

Regarding Claim 1,

Strub discloses a data accumulation system comprising:

A data output device that wirelessly and publicly transmits data

(Column 11, line 32 to Column 12, line 52; Column 64, line 57 to Column 65, line 58; and Figure 2, element 202);

A data storage device including a storing portion that stores a part of data wirelessly and publicly transmitted by the data output device

(Column 11, line 32 to Column 12, line 52; and Figure 2, element 203);

and

A data checking terminal that is a portable terminal capable of wireless communication with the data storage device (Column 11, line 32 to Column 12, line 52; Column 47, lines 33-48; and Figure 2, element 204), the data checking terminal

Having a display for displaying data wirelessly and publicly transmitted by the data output device to the data storage device so that a user can check whether or not the data are worth storing by viewing the displayed data on the display (Column 52, lines 44-61; Column 58, line 61 to Column 59, line 18; and Column 80, line 65 to Column 81, line 14); and

Allowing the user to input a command to the data checking terminal after viewing the displayed data on the display, the command indicating whether the data wirelessly and publicly transmitted by the data output device is to be stored by the data storage device (Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14); wherein

The data storage device stores or does not store the data wirelessly and publicly transmitted by the data output device in accordance with the command input by the user to the data checking terminal (Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14); and

The data wirelessly and publicly transmitted by the data output device to the data storage device and displayed on the display of the data checking terminal is image data or text data (Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14).

Regarding Claim 16,

Strub discloses a data accumulation system comprising:

A data output device wirelessly and publicly transmitting image or text data (Column 11, line 32 to Column 12, line 52; Column 64, line 57 to Column 65, line 58; and Figure 2, element 202);

A data storage device receiving the image or text data wirelessly and publicly transmitted by the data output device (Column 11, line 32 to Column 12, line 52; and Figure 2, element 203); and

A portable terminal (Column 11, line 32 to Column 12, line 52; and Figure 2, element 204)

Wirelessly communicating with the data storage device to cause the portable terminal to display, to a user of the portable terminal, the image or text data wirelessly and publicly transmitted by the data output device and received by the data storage device (Column 47, lines 33-48; Column 58, line 61 to Column 59, line 18; and Column 80, line 65 to Column 81, line 14);

Wirelessly communicating with the data storage device to allow the user to input a command to the portable terminal indicating whether the image or text data wirelessly and publicly transmitted by the data output device and received by the data storage device should be stored in the data storage device, in accordance with a decision by the user after viewing the image or text data displayed by the portable terminal (Column 47, lines 33-48; Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14); and

Wirelessly communicating with the data storage device to transmit the inputted command from the portable terminal to the data storage device to cause the data storage device to store or not store the image or text data wirelessly and publicly transmitted by the data output device and received by the data storage device in accordance with the transmitted command (Column 47, lines 33-48; Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14).

Regarding Claim 23,

Claim 23 is a system claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 24,

Claim 24 is a method claim that corresponds to system claim 16 and is rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 16, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz (U.S. Patent 6,526,335) in view of Kolls (U.S. Patent 6,856,820).

Regarding Claim 1,

Treyz discloses a data accumulation system comprising:

A data output device that wirelessly and publicly transmits data (Column 2, lines 52-64; Column 22, line 46 to Column 23, line 16; Column 44, line 57 to Column 45, line 8; Column 45, line 65 to Column 46, line 6; and Column 61, line 46 to Column 63, line 34)

A data storage device including a storing portion that stores a part of data wirelessly and publicly transmitted by the data output device (Column 44, line 57 to Column 45, line 8); and

A data checking terminal that is a portable terminal capable of wireless communication with the data storage device (Column 22, lines 35-45; and Column 44, line 57 to Column 45, line 8), the data checking terminal

Having a display for displaying data wirelessly and publicly transmitted by the data output device to the data storage device (Column 20, line 62 to Column 21, line 6; and Column 22, lines 10-45) so that a user can check whether or not the data are worth storing by viewing the displayed data on the display (Column 45, line 5 to Column 46, line 29;

Column 53, line 60 to Column 54, line 9; Column 72, lines 10-32; Figures 50, 63, and 78); and

Allowing the user to input a command to the data checking terminal after viewing the displayed data on the display, the command indicating whether the data wirelessly and publicly transmitted by the data output device is to be stored by the data storage device (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78); wherein

The data storage device stores or does not store the data wirelessly and publicly transmitted by the data output device in accordance with the command input by the user to the data checking terminal (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78); and

The data wirelessly and publicly transmitted by the data output device to the data storage device and displayed on the display of the data checking terminal is image data or text data (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78);

But may not disclose that the data checking terminal is a portable device.

Kolls, however, discloses that the data checking terminal is a portable device (Column 8, line 56 to Column 9, line 62); that the data

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displayed on the data checking terminal is image data or text data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12); and that the user checks whether or not the data are worth storing by viewing the displayed data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the portable data checking terminal of Kolls into the data accumulation system of Treyz in order to make it easier for the user to interact with the system than interacting directly with the automobile computer, or in order to allow the user to use a single portable device that can access the computer either directly or via a network (such as the Internet).

Regarding Claim 2,

Treyz as modified by Kolls discloses the system of claim 1, in addition, Treyz discloses that the data checking terminal automatically performs filtering of data to be stored (Column 59, lines 3-19).

Regarding Claim 3,

Treyz as modified by Kolls discloses the system of claim 1, in addition, Treyz discloses that the data checking terminal processes data to be stored out of the wirelessly and publicly transmitted data and transfers the processed data back to the data storage device (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9;

Figures 50, 63, and 78); and Kolls discloses that the data checking terminal processes data to be stored out of the wirelessly and publicly transmitted data and transfers the processed data back to the data storage device (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12).

Regarding Claim 16,

Treyz discloses a data accumulation system comprising:

A data output device wirelessly and publicly transmitting image or text data (Column 44, line 57 to Column 45, line 8; and Column 61, line 46 to Column 63, line 34);

A data storage device receiving the image or text data wirelessly and publicly transmitted by the data output device (Column 44, line 57 to Column 45, line 8); and

A portable terminal (Column 22, lines 35-45; and Column 44, line 57 to Column 45, line 8)

Wirelessly communicating with the data storage device to cause the portable terminal to display, to a user of the portable terminal, the image or text data wirelessly and publicly transmitted by the data output device and received by the data storage device (Column 20, line 62 to Column 21, line 6; and Column 22, lines 10-45);

Wirelessly communicating with the data storage device to allow the user to input a command to the portable terminal indicating whether the

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image or text data wirelessly and publicly transmitted by the data output device and received by the data storage device should be stored in the data storage device, in accordance with a decision by the user after viewing the image or text data displayed by the portable terminal (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 72, lines 10-32; Figures 50, 63, and 78); and

Wirelessly communicating with the data storage device to transmit the inputted command from the portable terminal to the data storage device to cause the data storage device to store or not store the image or text data wirelessly and publicly transmitted by the data output device and received by the data storage device in accordance with the transmitted command (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78);

But may not disclose that the data checking terminal is a portable device.

Kolls, however, discloses that the data checking terminal is a portable device (Column 8, line 56 to Column 9, line 62); that the data displayed on the data checking terminal is image data or text data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12); and that the user checks whether or not the data are worth storing or not by viewing the displayed data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12). It would have

been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the portable data checking terminal of Kolls into the data accumulation system of Treyz in order to make it easier for the user to interact with the system than interacting directly with the automobile computer, or in order to allow the user to use a single portable device that can access the computer either directly or via a network (such as the Internet).

Regarding Claim 23,

Claim 23 is a system claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 24,

Claim 24 is a method claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 21,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is a POS terminal (Column 44, line 57 to Column 45, line 8).

Regarding Claim 22,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is an ATM terminal (Column 46, line 50 to Column 47, line 9).

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5. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Kolls, further in view of Ong (U.S. Patent 5,952,994).

Regarding Claim 4,

Treyz as modified by Kolls does not explicitly disclose that the data output from the data output device to the data storage device is image data and the data checking terminal generates a thumbnail image of the image data to display the thumbnail image on the display.

Ong, however, discloses that the data output from the data output device to the data storage device is image data and the data checking terminal generates a thumbnail image of the image data to display the thumbnail image on the display (Column 2, lines 8-29). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the image scaling method of Ong into the data accumulation system of Treyz as modified by Kolls in order to provide a cost effective and fast image scaling method such that a data checking terminal with a small display can scale and view the information (image in this case) in an efficient manner.

Regarding Claim 20,

Treyz as modified by Kolls does not explicitly disclose that the data output from the data output device is image data, and the portable terminal generates and displays to the user a thumbnail image of the image data.

Ong, however, discloses that the data output from the data output device is image data, and the portable terminal generates and displays to the user a thumbnail image of the image data (Column 2, lines 8-29). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the image scaling method of Ong into the data accumulation system of Treyz as modified by Kolls in order to provide a cost effective and fast image scaling method such that a data checking terminal with a small display can scale and view the information (image in this case) in an efficient manner.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Kolls, further in view of Menezes (Menezes, "Portable pen scans and stores text without a PC", *Computing Canada*, 6/25/1999, pp. 16).

Regarding Claim 18,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is a scanner (Column 13, line 58 to Column 14, line 2) and that the portable terminal is a PDA (Column 10, lines 22-34); and Kolls discloses that the portable terminal is a PDA (Column 8, line 56 to Column 9, line 62), but does not disclose that the scanner is a pen scanner.

Menezes, however, discloses that the scanner is a pen scanner (Page 16). It would have been obvious to one of ordinary skill in the art at

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the time of applicant's invention to incorporate the pen scanner of Menezes into the data accumulation system of Treyz as modified by Kolls in order to allow the system to scan documents line by line, incorporating abilities of OCR (optical character recognition), and translation capabilities, so that a user can understand a document even if they do not speak the language that the document is written in.

Regarding Claim 19,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is a scanner (Column 13, line 58 to Column 14, line 2), the portable terminal is a PDA (Column 10, lines 22-34), and the data storage device is inside a notebook computer (Column 10, lines 35-38); and Kolls discloses that the portable terminal is a PDA (Column 8, line 56 to Column 9, line 62), but does not disclose that the scanner is a pen scanner.

Menezes, however, discloses that the scanner is a pen scanner (Page 16). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanner of Menezes into the data accumulation system of Treyz as modified by Kolls in order to allow the system to scan documents line by line, incorporating abilities of OCR (optical character recognition), and translation capabilities, so that a user can understand a document even if they do not speak the language that the document is written in.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham
Examiner
Art Unit 2137

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Examiner, Art Unit 2137

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